

REMARKS

Entry of Amendment

As Applicants are filing a RCE herewith, this amendment should be entered and considered by the Examiner at this time.

Applicants will now address each of the Examiner's rejections in the order in which they appear in the Final Rejection.

Claim Rejections - 35 USC §103

Claim 10

In the Final Rejection, the Examiner rejects Claim 10 under 35 USC §103 as being unpatentable over Liprie (US 6,635,008) in view of Waksman et al. (US 7,160,238) and further in view of Liprie (US 5,800,333) and further in view of Meloul et al. (US 6,013,020). This rejection is respectfully traversed.

More specifically, Claim 10 as rejected recites the features of:

“said system for determining if one or more of the treating elements is missing from the source cartridge in the transfer device comprising:

a light source including a jacketed fiber optic bundle disposed on a first side of the source cartridge to produce a plane of light, a first slot disposed in the first side of the source cartridge, wherein said plane of light is directed towards said first slot;

a linear array of photosensors disposed on a second side of the source cartridge, a second slot disposed in the second side of source cartridge, wherein said photosensors measure light from the light source that travels through said second slot;

the at least one microprocessor for comparing the amount of light measured by the photosensors to a reference amount corresponding to the amount of light measured by the photosensors when one or more of the treating elements is not within the storage cartridge,

wherein the plane of light shines through the first slot, the storage cartridge and the second slot and is received by the photosensors when one or more of the treating elements is not within the source cartridge, and

wherein if some treating elements are within the source cartridge but one or more of the treating elements is missing from the source cartridge, a portion of the plane of light will shine through the first slot, the source cartridge and the second slot and be received by the photosensors, the microprocessor then being able to determine based on the amount of light received by the photosensors that one or more of the treating elements is missing.”

As the Examiner admits, Liprie ‘008 does not disclose a system for determining if one or more of the treating elements is missing from the source cartridge in the transfer device (neither does Waksman nor Liprie ‘333). The Examiner, however, cites Meloul as allegedly disclosing each of these claimed features. Initially, Applicants note that there has been no showing in the Final Rejection as to where each of these claimed features is allegedly disclosed in Meloul. Applicants respectfully request that if the Examiner is going to maintain this rejection, that the Examiner show where each of these claimed features is allegedly shown in Meloul.

Applicants believe that what is disclosed in Meloul is different than the claimed invention. In particular, at col. 3, lines 10-24 and col. 31, line 61 - col. 32, line 10, Meloul appears to disclose a system for detecting a gold marker seed on a radioactive train. The system attempts to detect the gold marker by shining light of different wavelengths onto an area where the gold marker should reside within the housing and measuring the reflectivity. If a gold marker seed is detected, the assumption is that all the elements are within the housing. Meloul mentions that the sensor can be made to determine whether two marker seeds are properly positioned within the housing, but this would require more space for additional electronic and optical components.

In contrast, the system of Claim 10 of the present application is not directed to merely finding a marker seed, instead is directed to a system which can determine whether or not one or

more of the treating elements and the marker seeds are present in the train. As a result, the system of the claimed invention has a different structure than that of Meloul. For example, the claimed invention has a light source *disposed on a first side* of the source cartridge to produce a plane of light with *a first slot disposed in the first side* of the source cartridge, wherein said plane of light is directed towards said first slot. Further, a linear array of photosensors is *disposed on a second side* of the source cartridge with *a second slot disposed in the second side* of source cartridge, wherein said photosensors measure light from the light source that travels through said second slot.

Furthermore, the structure of the claimed invention is designed to measure light from the light source that travels through the *second* slot which is received by the photosensors when one or more of the treating elements is not within the source cartridge.

In contrast, Meloul does not appear to have first and second slots on different sides of the source cartridge nor the light source and photosensors on different sides of the source cartridge. Instead, Meloul attempts to detect the gold marker by shining light of different wavelengths onto an area where the gold marker should reside within the housing and measuring the reflectivity. Further, Meloul appears to have only one slot on one side of the device, unlike the claimed invention. Also, Meloul does not have appear to have a light source disposed on a first side of the source cartridge and a linear array of photosensors disposed on a second side of the source cartridge.

In order to advance the prosecution of this application, to clarify the claimed invention, and to clearly distinguish Meloul, Applicants are amending Claim 10 to recite that the linear array of photosensors is disposed on a second side of the source cartridge “which is on the opposite side from said first side of the source cartridge.” wherein the claim already defines a

light source on the first side of the source cartridge. In contrast, Meloul does not appear to disclose photosensors disposed on an opposite side from that of light source.

In addition, Meloul appears to be only directed to detecting the gold marker, and not is any of the treating elements between the markers is missing.

Therefore, Claim 10 is not disclosed or suggested by the cited references, and is patentable thereover. Accordingly, it is respectfully requested that this rejection be withdrawn.

Claims 20-22

The Examiner also rejects Claims 20-22 under 35 USC § 103 as being unpatentable over Waksman in view of Spako et al. (U.S. 5,103,395) and further in view of Meloul et al. (US 6,013,020).¹ This rejection is also respectfully traversed.

More specifically, the Examiner admits that neither Waksman nor Spako discloses a means for detecting whether some of the treatment elements are missing from the storage sleeve, as in independent Claim 20 of the present application. The Examiner cites Meloul as allegedly disclosing a way of detecting whether some, none or all of the treating elements are within the storage sleeve. Applicants respectfully disagree.

For similar reasons as discussed above for Claim 10, independent Claim 20 is also not disclosed or suggested by Meloul (or by Waksman and Spako in combination with Meloul).

Further, in order to advance the prosecution of this application, Applicants have amended Claim 20 in a similar manner to Claim 10, i.e. to recite the feature of “which is on the opposite

¹ It is noted that in the “Response to Arguments” section, the Examiner states on page 8 “[t]herefore Waksman in view of Spako and further in view of Meloul still anticipate claims 20-22” (emphasis added). This statement is incorrect. The rejection of these claims is a §103(a) obviousness rejection, not a §102 anticipation rejection over a single reference. Applicants respectfully request that the Examiner revisit this argument and revise it to be in accordance with the law.

side from said first side of the storage sleeve.” As explained above, this feature is also not disclosed or suggested by the cited references.

Furthermore, as explained above, Meloul appears to be only directed to detecting the gold marker, and not if any of the treating elements between the markers is missing. The claimed invention instead is directed to a system which can determine whether or not one or more of the treating elements and the marker seeds are present in the train.

Therefore, independent Claim 20 is not disclosed or suggested by the cited references, and Claim 20 and those claims dependent thereon are patentable thereover. Accordingly, it is respectfully requested that this rejection be withdrawn.

Conclusion

It is respectfully submitted that the present application is now in a condition for examination and should be examined.

If any fee should be due for this amendment, extension of time, and/or RCE, please charge our deposit account 50/1039.

Favorable reconsideration is earnestly solicited.

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Respectfully submitted,

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